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(2)-FISH&RICHARDSON\_6175428906

NO. 0361 P. 1

# FISH & RICHARDSON P.C.

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From Janis K. Fraser, Ph.D., J.D.

Re D 1920-1P US  
Our Ref.: 06275-218001

Number of pages  
including this page

5

Message

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Attorney's Docket No.: 06275-218001 / D 1920-1P US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Von Schuckmann et al.  
Serial No. : 09/646,140  
Filed : September 13, 2000  
Title : INHALATION DEVICE

Art Unit : 3743  
Examiner : Amanda R. Wiekert

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## MAIL STOP PETITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST TO WITHDRAW PETITION TO REVIVEAND PETITION FOR REFUND

Applicants hereby request withdrawal of the document entitled "Petition to Revive Application Under 37 CFR §1.137(b)" as filed with the United States Patent and Trademark Office on April 1, 2004 (copy enclosed).

Applicants filed it prematurely, before receipt of a Notice of Abandonment, upon realization that the Response to Final Office Action filed March 17, 2004, was filed without a Notice of Appeal. Because the Examiner has told Applicants she is prepared to allow the claims, it appears that no Notice of Appeal is or was needed. The Petition to Revive is therefore moot. Kindly withdraw the Petition or dismiss it as moot.

Applicants further request that the fees paid with the Petition to Revive (\$1330 for the Petition and, if appropriate, also the \$330 for the Notice of Appeal) be refunded to the undersigned, referencing attorney docket no. 06275-218001.

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

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Date of Transmission

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Signature

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Typed or Printed Name of Person Signing Certificate

Applicant : Von Schuckmann et al.  
Serial No. : 09/646,140  
Filed : September 13, 2000  
Page : 2 of 2

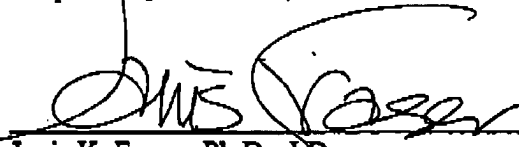
Attorney's Docket No.: 06275-218001 / D 1920-1P US

No fees are believed to be due for this Request and Petition for Refund. Apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 06275-218001.

Respectfully submitted,

Date

October 18, 2004



Janis K. Fraser, Ph.D., J.D.  
Reg. No. 34,819

Fish & Richardson P.C.  
225 Franklin Street  
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Facsimile: (617) 542-8906

20958567.doc

Attorney's Docket No.: 06275-218001 / D 1920-1P US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Von Schuckmann et al.  
Serial No. : 09/646,140  
Filed : September 13, 2000  
Title : INHALATION DEVICE

Art Unit : 3727  
Examiner : Joseph F. Weiss, Jr.

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## MAIL STOP PETITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO REVIVE APPLICATION UNDER 37 CFR §1.137(b)

Applicant hereby petitions under 37 CFR §1.137(b) to revive the above application, which was abandoned on March 30, 2004 for failure to respond to Final Office Action mailed September 30, 2003. A response/amendment was filed on March 17, 2004, but did not include a Notice of Appeal and appeal fee.

Enclosed is: 1) a Notice of Appeal in response to the Final Office Action dated September 20, 2003, to continue prosecution of the application; 2) a check for \$330 for the Notice of Appeal fee; and 3) a check for \$1330 in payment of the petition fee by a large entity as set forth in 37 CFR §1.17(m).

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 1, 2004

Date of Deposit

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Jennifer Leveille

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Applicant : Von Schuckmann et al.  
Serial No. : 09/646,140  
Filed : September 13, 2000  
Page : 2 of 2

Attorney's Docket No.: 06275-218001 / D 1920-1P US

Applicant submits that the entire period of delay was unintentional.

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: April 1, 2004

William E. Booth  
William E. Booth  
Reg. No. 28,933

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